

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JACQ AUS L. MARTIN,

Plaintiff,

**VS.**

OTHA SERRELL, et al.,

Defendants.

4:03cv3130

# MEMORANDUM AND ORDER

This matter is before the court on filing no. 139, the Judgment by the Eighth Circuit Court of Appeals dismissing the appeal of the above-entitled case and assessing the \$255 appellate filing and docketing fees against the appellant, Jacqaus L. Martin. Because Mr. Martin is a prisoner subject to the Prison Litigation Reform Act, the Eighth Circuit's Judgment states in pertinent part: "The full \$255.00 appellate filing and docketing fees are assessed against the appellant .... The court remands the collection of those fees to the district court."

Based on the appellant's most recent inmate trust account information (filing no. 106) filed at the time of the Notice of Appeal, the appellant's custodian shall collect from the appellant's inmate trust account an initial partial filing fee of \$2.09 and shall remit that amount to the Clerk of Court as funds become available. The remainder of the fees shall be collected in installments in the manner specified by 28 U.S.C. § 1915(b)(2).

THEREFORE, IT IS ORDERED:

1. That the Eighth Circuit Court of Appeals has adjudged the appellant liable for the full \$255.00 appellate filing and docketing fees;
2. That, because the appellant is a prisoner, the fees may not be waived but may be paid in installments pursuant to 28 U.S.C. § 1915(b);

3. That the appellant's custodian shall collect from the appellant's inmate trust account an initial partial appellate filing fee of \$2.09, and shall remit that amount to the Clerk of Court when funds are available to do so;

4. That, thereafter, all present and future custodians of the appellant shall collect and remit the balance of the \$255.00 appellate filing fees in the manner required by 28 U.S.C. § 1915(b)(2); and

5. That the Clerk of the Court shall send a copy of this Memorandum and Order to the appropriate financial officer for the appellant's institution.

DATED this 21<sup>st</sup> day of October, 2005.

BY THE COURT:

s/Laurie Smith Camp  
Laurie Smith Camp  
United States District Judge